

Chapter 14 - Special Provisions in Effect During Time of War or National Emergency

CONTENT

Special Appointment Authority During Time of War or National EmergencyPart 1

Cooperation with Military DepartmentsPart 2

Part 1– Special Appointment Authority During Time Of War or National Emergency

	Section
Temporary Appointment or Advancement of NOAA Corps Officers During Time of War or National Emergency	14101
Suspension During Time of War or National Emergency	14102

Part 1 – Special Appointment Authority During Time of War or National Emergency

14101 TEMPORARY APPOINTMENT OR ADVANCEMENT OF NOAA CORPS OFFICERS IN TIME OF WAR OR NATIONAL EMERGENCY

- A. NOAA Corps officers shall be subject in like manner and to the same extent as personnel of the Navy to all laws authorizing temporary appointment or advancement of commissioned officers in time of war or national emergency, [33 U.S.C. 3030(a)], subject to the following limitations:
- (1) A NOAA Corps officer in the service of a military department pursuant to 33 U.S.C. 3061 may, upon the recommendation of the Secretary of the military department concerned, be temporarily promoted to a higher rank or grade. [33 U.S.C. 3030(b)(1)]
 - (2) A NOAA Corps officer may be temporarily promoted to fill vacancies in ranks and grades caused by the transfer of another NOAA Corps officer to the service and jurisdiction of a military department pursuant to 33 U.S.C. 3061. [33 U.S.C. 3030(b)(2)]
 - (3) Temporary appointments to fill vacancies caused by sections 1 or 2 above may be made in all grades to which original appointments in the NOAA Corps are authorized (Ensign, Lieutenant (junior grade) and Lieutenant), except that the number of NOAA Corps officers holding temporary appointments may not exceed the number of NOAA Corps officers transferred to a military department pursuant to 33 U.S.C. 3061. [33 U.S.C. 3030(b)(3)]

14102 SUSPENSION DURING TIME OF WAR OR NATIONAL EMERGENCY

- A. In time of emergency declared either by the President or Congress, or in time of war, the President may, at his discretion, suspend the operation of all or any part of the provisions of law pertaining to the promotion of commissioned officers in the NOAA Corps. [33 U.S.C. 3033]

Part 2 – Cooperation with Military Departments

Section

Transfers of Resources and NOAA Corp Officers During National Emergency14201

Status of Transferred NOAA Corps Officers.....14202

Relative Rank of NOAA Corps Officers When Serving With
Army, Navy or Air Force.....14203

Rules and Regulations When Cooperating with Military Departments.....14204

Part 2 – Cooperation with Military Departments

14201 TRANSFERS OF RESOURCES AND NOAA CORPS OFFICERS DURING NATIONAL EMERGENCY

- A. The President may, whenever in the judgment of the President a sufficient national emergency exists, transfer to the service and jurisdiction of a military department such vessel (ships and aircraft), equipment, stations, and officers of the NOAA Corps as the President considers to be in the best interest of the country. [33 U.S.C. 3061(a)(1)]
- B. After any transfer of a NOAA Corps officer or resources pursuant to section A above, all expenses connected therewith shall be defrayed out of the appropriations for the department to which the transfer is made. [33 U.S.C. 3061(a)(2)]
- C. Vessels, equipment, stations, and NOAA Corps officers transferred to a military department pursuant to section A above, shall be returned to the NOAA Corps when, in the opinion of the President, the national emergency ceases. [33 U.S.C. 3061(a)(3)]

14202 STATUS OF TRANSFERRED NOAA CORPS OFFICERS

- A. A NOAA Corps officer transferred to a military department pursuant to NOAA Corps Directive (NCD) 14201A shall, while under the jurisdiction of a military department, have proper military status and shall be subject to the laws, regulations, and orders for the government of the Army, Navy, or Air Force, as the case may be, insofar as the same may be applicable to persons whose retention permanently in the military service of the United States is not contemplated by law. [33 U.S.C. 3061(c)]

14203 RELATIVE RANK OF NOAA CORPS OFFICERS WHEN SERVING WITH ARMY, NAVY, OR AIR FORCE

- A. When serving with the Army, Navy, or Air Force, a NOAA Corps officer shall rank with and after officers of corresponding grade in the Army, Navy, or Air Force of the same length of service in grade. [33 U.S.C. 3062]

14204 RULES AND REGULATIONS WHEN COOPERATING WITH MILITARY DEPARTMENTS

- A. The Secretary of Defense and the Secretary of Commerce have jointly prescribed regulations governing the duties to be performed by the NOAA Corps in time of war and providing for the cooperation of the NOAA Corps with the military departments in time of peace in preparation for its duties in time of war. Those joint regulations appear in Appendix 14.1.

**DEPARTMENT OF DEFENSE - DEPARTMENT OF COMMERCE REGULATIONS
GOVERNING COOPERATION OF THE NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION WITH THE DEPARTMENT OF DEFENSE**

1. Authority. Section 16 of the Act of May 22, 1917, Chapter 20 (40 Stat. 88) as amended by PL 89-657, October 14, 1966 (80 Stat. 907) authorizes the President, whenever in his judgment a sufficient national emergency exists, to transfer commissioned officers, vessels (hereafter referred to as ships), stations, and equipment of the National Oceanic & Atmospheric Administration (NOAA) to the military departments. The section, as amended, also provides that the Secretary of Defense and the Secretary of Commerce shall jointly prescribe regulations governing wartime duties of the National Oceanic & Atmospheric Administration and peacetime cooperation of the National Oceanic & Atmospheric Administration with the military departments in preparation for its wartime duties. The following regulations are prescribed jointly by the Secretary of Defense and the Secretary of Commerce, effective 1 November 1971. All regulations previously issued under this authority are hereby revoked.
2. Definition. The term Department of Defense, as used in these regulations includes the Secretary of Defense and his office, the Defense agencies, the Joint Chiefs of Staff, the Joint Staff and joint agencies, and the Departments of the Army, Navy, and Air Force.
3. National Oceanic & Atmospheric Administration Mission Responsibilities.
 - a. In time of peace, the National Oceanic & Atmospheric Administration shall, in addition to its normal activities, to the extent deemed feasible by the Secretary of Commerce:
 - (1) coordinate its programs with the programs of the Department of Defense in connection with planning for wartime duties of the National Oceanic & Atmospheric Administration, and provide assistance in matters relating to national defense consistent with its resources and facilities;
 - (2) undertake such training programs as may be considered desirable by the Department of Defense to prepare its personnel for effective service in time of national emergency; and
 - (3) maintain liaison with the Department of Defense, as necessary, to assure prompt and orderly utilization of its facilities and personnel in support of national defense in time of national emergency.
 - b. In time of national emergency declared by the Congress or the President, the National Oceanic & Atmospheric Administration shall:

NOAA CORPS DIRECTIVES

APPENDIX 14.1

- (1) continue its normal activities, subject to the provisions of clauses (2) and (3) below;
- (2) implement, as requested by the Secretary of Defense, existing memoranda of understanding regarding utilization of its facilities and personnel for purposes of national defense; and
- (3) promptly effect such transfers of ships, aircraft, equipment, stations, and
- (4) commissioned officers to the service and jurisdiction of the military departments as the President, by Executive Order, may direct.

4. Personnel

- a. Whenever the President determines that a sufficient national emergency exists, commissioned officers of the National Oceanic and Atmospheric Administration shall be transferred by Executive Order to the service and jurisdiction of the military departments.
- b. Whenever the Secretaries concerned consider it to be in the national interest, the Secretary of Commerce shall assign commissioned officers to serve with military departments in such capacities as the Secretaries determine will contribute to the wartime readiness of the National Oceanic and Atmospheric Administration.
- c. Officers assigned to and serving with military departments pursuant to law, whether under subsection (a) or (b) above, shall be subject to the Uniform Code of Military Justice under the cognizance of the Secretary of the department concerned in accordance with Article 2 of the UCMJ.

5. Property. The President, when he determines that a sufficient national emergency exists, may transfer ships, aircraft, equipment, and stations of the National Oceanic & Atmospheric Administration to the service and jurisdiction of the military departments. Transfer and return of such property shall be pursuant to Executive Order.

- a. Any ship, aircraft, station, or equipment transferred to a military department shall be returned to the National Oceanic & Atmospheric Administration in as good condition as when transferred, ordinary wear and tear excepted, or replaced in kind, to the satisfaction of the National Oceanic & Atmospheric Administration. All expenses necessary to alter a ship, an aircraft, a station, or equipment to fit it for the service required by the receiving military department and to replace it or return it to its condition at the time of transfer shall be borne by the military department to which transferred.

- b. A complete inventory of all property conveyed as the result of any transfer shall be prepared by the National Oceanic & Atmospheric Administration, and an authorized agent of the receiving military department shall provide a receipt therefore.
6. Interdepartmental Board. There shall exist an Interdepartmental Board for the Cooperation of the National Oceanic & Atmospheric Administration with the Department of Defense in connection with planning for the wartime duties of the National Oceanic & Atmospheric Administration.
 - a. **Organization:** The Board shall consist of two members, one appointed by the Secretary of Commerce, and the other appointed by the Secretary of Defense. The Board shall be responsible for coordinating wartime planning dealing with mapping, charting, and geodetic sciences, and with operational services in meteorology, climatology, oceanography, aeronomy, weather satellites, and related elements of the terrestrial environment. Each member, as appropriate, may be assisted by experts. The member appointed by the Secretary of Commerce shall be Chairman of the Board and preside at all of its meetings. A recorder, appointed by the Chairman, shall keep minutes of all Board meetings and assist in the preparation of documents and correspondence of the Board. The Board shall be empowered to establish ad hoc groups to assist in performing its duties. The Board shall meet annually, and at such other times as may be required, at the call of the Chairman.
 - b. **Duties.**
 - (1) In time of peace, the Board shall consider how the National Oceanic & Atmospheric Administration and the Department of Defense can cooperate to prepare the National Oceanic & Atmospheric Administration for timely and efficient discharge of its duties in time of national emergency. The Board shall submit for the approval of the Secretaries:
 - (a) recommendations as to how to better utilize the products, facilities, and services of the National Oceanic & Atmospheric Administration for national defense purposes;
 - (b) recommendations as to training or participating in programs of mutual interest;
 - (c) recommendations and relative priorities for continuing, in time of national emergency, selected peacetime reimbursable programs performed by the National Oceanic & Atmospheric Administration in support of the Department of Defense; and

NOAA CORPS DIRECTIVES

APPENDIX 14.1

- (d) recommendations as to memorandums of understanding between the National Oceanic & Atmospheric Administration and the Department of Defense concerning actions to be taken during national emergency.
 - (2) In time of national emergency declared by Congress or the President, the Board shall consider the needs of the Department of Defense for the products, facilities, and services of the National Oceanic & Atmospheric Administration and shall submit for the approval of the Secretaries:
 - (a) recommendations as to the transfer of commissioned officers, ships, aircraft, equipment, and stations of the National Oceanic & Atmospheric Administration to and from the service and jurisdiction of the military departments;
 - (b) recommendations as to the modification of the normal activities of the National Oceanic & Atmospheric Administration in order to correlate them with military requirements;
 - (c) recommendations as to new activities to be undertaken by the National Oceanic & Atmospheric Administration in the interest of national defense; and
 - (d) recommendations as to new, or changes to standing memoranda of understanding between the Department of Commerce and the Department of Defense with respect to actions by the National Oceanic & Atmospheric Administration in the interest of national defense.
 - c. Communications: Direct communications between appropriate representatives of the Department of Defense, including the military departments, and the Department of Commerce, including the National Oceanic & Atmospheric Administration, is authorized on matters concerning the implementation of memoranda of understanding or other agreements which carry out the provisions of the Act of 22 May 1917, as amended, and of these regulations.
- 7. Miscellaneous.
 - a. Date of Transfer: The date on which the appropriate military department assumes authority over and responsibility for personnel, ships, aircraft, equipment, or stations, and the date on which the National Oceanic & Atmospheric Administration relinquishes authority and responsibility shall be the date the actual transfer is effected unless the Executive Order directing the transfer otherwise provides.

NOAA CORPS DIRECTIVES

APPENDIX 14.1

- b. Appropriations: After the date of transfer of any ship, aircraft, station, equipment, or personnel of the National Oceanic & Atmospheric Administration to a military department, all expenses connected therewith shall be defrayed out of the appropriations for the Department to which transfer is made. The cost of pay and allowance support for National Oceanic & Atmospheric Administration commissioned officers assigned to the Department of Defense in accordance with paragraph 4b above shall be borne by the Department of Commerce.

- c. Reports: Personnel records and correspondence necessary to preserve the continuity of administrative records of the National Oceanic & Atmospheric Administration shall be furnished to the National Oceanic & Atmospheric Administration by the military departments.

/S/ David Packard/Oct 19 1971

Secretary of Defense

/S/ Maurice H. Stans/Nov 11 1971

Secretary of Commerce